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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,465	11/21/2001	James J. Coogan	2001P21981US	3192

7590 10/17/2003

Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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KOSOWSKI, ALEXANDER J

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 10/17/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/990,465

Applicant(s)

COOGAN, JAMES J.

Examiner

Alexander J Kosowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

### **DETAILED ACTION**

- 1) Claims 1-15 and new claims 25- 30 are presented for examination in light of the amendment filed 8/18/03.

#### ***Claim Objections***

- 2) Claims 1, 9, 25 and 27 are objected to.

Referring to claim 1, line 11, the phrase "operating modes base" should read --operating modes based--.

Referring to claim 9, the phrase "is connected to second a" should read --is connected to a second--.

Referring to claim 25, the phrase "said device drive" should read --said device driver--.

Referring to claim 27, the phrase "operating modes base" should read --operating modes based--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

- 3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4) Claims 1-15 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable by Frutiger et al (U.S. Pat. 5,786,993), further in view of Eckel et al (U.S. Pat 6,388,399).

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Referring to claim 1, Frutiger discloses a device driver for selectively controlling an end device comprising a plurality of input selectors for selecting a plurality of first output signals from a plurality of first input signals (col. 4 lines 22-29 and Fig. 1), at least one intermediate selector for selecting at least one second output signal from said first output signals (col. 4 lines 30-35 and Fig. 1), and an output selector for selecting an operating mode of the end device from a plurality of predefined operating modes based on said second output signal (col. 4 line 64 through col. 5 line 5 and Fig. 1). However, Frutiger does not explicitly teach a network device controller comprising the device driver.

Eckel teaches a network device controller comprising device drivers which may be used to control the operating modes of associated end devices (Abstract and col. 4 lines 11-67).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize the device driver taught by Frutiger in the network device controller taught by Eckel since a network device controller in an open control system would reduce energy costs, increase the number of design options and lower design and installation costs (Eckel, col. 1 lines 48-55) and since a network device controller would allow for communication of messages between devices internal and external to the system (Eckel, col. 3 lines 53-58), which would increase system flexibility.

Referring to claim 2, Frutiger discloses that said first selecting means includes a plurality of input selectors, each having a plurality of inputs and an output (col. 4 lines 22-29 and Fig. 1), said second selecting means includes at least one intermediate selector having a plurality of inputs and an output (col. 4 lines 30-35 and Fig. 1), and said third selecting means includes an

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output selector having a plurality of inputs and an output (col. 4 line 64 through col. 5 line 5 and Fig. 1).

Referring to claim 3, Frutiger discloses that said output of each of said input selectors are connected to said plurality of inputs of said at least one intermediate selector, and said output of said at least one intermediate selector is connected to said output selector for selecting said operating mode (col. 4 line 22 through col. 5 line 5 and Fig. 1).

Referring to claim 4, Frutiger discloses said output of said at least one intermediate selector is input to a switch and an output of said switch is connected to said output selector for selecting the operating mode, when there are more than one said at least one intermediate selector (col. 7 lines 40-58).

Referring to claims 5-8, Frutiger discloses that said plurality of predefined operating modes includes a first operating mode in which the end device is operated at any point from a first mode to a second mode, is operated at said first mode or said second mode, is operated at said first mode, or is operated at said second mode (col. 1 lines 29-51, whereby "off" can represent a first mode, "on" can represent a second mode, and "economy" can vary which mode may be operated).

Referring to claim 9, Frutiger discloses that said plurality of input selectors are connected to a first common input select signal for selecting said first output signals, and said at least one intermediate selector is connected to a second common input select signal for selecting said second output signal (col. 4 line 22 through col. 5 line 5 and Fig. 1).

Referring to claim 10, Frutiger discloses that each of said plurality of first input signals corresponds to one of said predefined operating modes (col. 4 lines 1-21).

Referring to claim 11, Frutiger discloses a method of selectively controlling an end device, said method comprising the steps of selecting a plurality of first output signals from a plurality of first input signals (col. 4 lines 22-29 and Fig. 1), selecting a second output signal from said plurality of first output signals (col. 4 lines 30-35 and Fig. 1), and selecting an operating mode of the end device from a plurality of predefined operating modes based on said second output signal (col. 4 line 64 through col. 5 line 5 and Fig. 1). However, Frutiger does not explicitly teach a device driver provided in a network controller, nor that selections of signals and operating modes are accomplished using said device driver.

Eckel teaches a network device controller comprising device drivers which may be used to control the operating modes of associated end devices (Abstract and col. 4 lines 11-67).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize the method taught by Frutiger in the network device controller taught by Eckel since a network device controller in an open control system would reduce energy costs, increase the number of design options and lower design and installation costs (Eckel, col. 1 lines 48-55) and since a network device controller would allow for communication of messages between devices internal and external to the system (Eckel, col. 3 lines 53-58), which would increase system flexibility.

Referring to claims 12-15, Frutiger discloses that said plurality of predefined operating modes include a first operating mode in which the end device is operated at any point from a first mode to a second mode, is operated at said first mode or said second mode, is operated at said first mode, or is operated at said second mode (col. 1 lines 29-51, whereby "off" can represent a

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first mode, "on" can represent a second mode, and "economy" can vary which mode may be operated).

Referring to claim 25, Frutiger teaches the device driver above. However, Frutiger does not explicitly teach that said device driver is comprised of separate software modules corresponding to different devices.

Eckel teaches that software may be used for each device controlled by the controller (col. 8 lines 45-47).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize software modules corresponding to different devices in the invention taught by Frutiger since this would allow building wide tasks to be performed from a single location through embedded software (Eckel, col. 9 lines 46-48).

Referring to claim 26, Frutiger teaches the device driver above. However, Frutiger does not explicitly teach that said device driver is incorporated in a LON control network.

Eckel teaches the use of a network device controller utilizing device drivers which may be incorporated into a LON control network (col. 4 lines 54-56).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize the device driver taught by Frutiger in a LON control network since the LonWorks protocol is one of several well known and common control network protocols (Eckel, col. 4 lines 54-56).

Referring to claim 27, Frutiger teaches a device driver comprising one or more selectors for selecting a plurality of first output signals from a plurality of first input signals (col. 4 lines 22-29 and Fig. 1), one or more selectors for selecting at least one second output signal from said

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first output signals (col. 4 lines 30-35 and Fig. 1), and one or more selectors for selecting an operating mode of an end device from a plurality of predefined operating modes based on said second output signal (col. 4 line 64 through col. 5 line 5 and Fig. 1). However, Frutiger does not explicitly teach a network device controller for controlling a plurality of devices in a control network, nor a plurality of devices drivers for controlling a plurality of devices in said control network.

Eckel teaches a network device controller comprising device drivers which may be used to control the operating modes of associated end devices (Abstract and col. 4 lines 11-67).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize the device driver taught by Frutiger in the network device controller taught by Eckel since a network device controller in an open control system would reduce energy costs, increase the number of design options and lower design and installation costs (Eckel, col. 1 lines 48-55) and since a network device controller would allow for communication of messages between devices internal and external to the system (Eckel, col. 3 lines 53-58), which would increase system flexibility.

Referring to claims 28-30, see rejection of claims 5-7 above, respectively.

### ***Response to Arguments***

- 5) All arguments are rendered moot in view of the new rejection above.

### ***Conclusion***

- 6) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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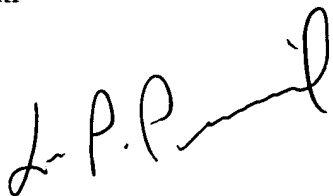
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander J Kosowski whose telephone number is 703-305-3958. The examiner can normally be reached on Monday through Friday, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703-308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. In addition, the examiner's RightFAX number is 703-746-8370.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Alexander J. Kosowski  
Patent Examiner  
Art Unit 2125



LEO PICARD  
SUPERVISORY PATENT EXAMINER  
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